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9 Attorneys for Plaintiff

10  
11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN JOSE DIVISION

\*E-FILED - 12/6/07\*

14  
15 UNITED STATES OF AMERICA, ) No. CR 05-00445-RMW  
16 Plaintiff, ) CR-06-00109-RMW  
17 v. ) STIPULATION TO CONTINUE  
18 DAVID M. FISH, ) SENTENCING HEARING  
19 aka x000x, ) AND ORDER  
20 Defendant. )

21 It is hereby stipulated and agreed between defendant David M. Fish, by and through his  
22 counsel of record, Michael W. Armstrong, Esq., and the United States, by and through Assistant  
23 United States Attorney Mark L. Krotoski, as follows:

24 1. This matter is presently set for a sentencing hearing on December 17, 2007 at 9:00 a.m.  
25 2. The parties agree that further time is needed to address sentencing issues and that the  
26 terms of the plea agreement continue to apply. The probation officer is also working on the draft  
27 presentence report in this case.  
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STIPULATION REQUESTING CONTINUANCE OF SENTENCING HEARING AND XXXXXXXXXX ORDER  
CR 05-00445-RMW

3. For the foregoing reasons, and that the ends of justice are served by continuing this case, the parties stipulate and request to a continuance of the sentencing hearing from December 17, 2007 at 9:00 a.m. to [REDACTED] 008 at 9:00 a.m., or the next available date. Government counsel requests permission to appear telephonically during the hearing.

IT IS SO STIPULATED.

Dated: November 21, 2007

SCOTT N. SCHOOLS  
United States Attorney

/s/

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MARK L. KROTOSKI  
Assistant United States Attorney

Dated: November 21, 2007

/S/  
MICHAEL W. ARMSTRONG  
Attorney for Defendant

IT IS SO ORDERED

Upon good cause shown, the sentencing hearing is continued from December 17, 2007 at 9:00 a.m. to [REDACTED] 2008 at 9:00 a.m. Government counsel may appear telephonically during the hearing.

Dated: November , 2007

**RONALD M. WHYTE**  
United States District Judge

Nov-19-07 06:24pm From-

T-290 P-003/004 F-001

1       3. For the foregoing reasons, and that the ends of justice are served by continuing this case,  
2 the parties stipulate and request to a continuance of the sentencing hearing from December 17,  
3 2007 at 9:00 a.m. to [XXXXXXXXXX]08 at 9:00 a.m., or the next available date. Government  
4 counsel requests permission to appear telephonically during the hearing.

5       IT IS SO STIPULATED.

6       Dated: November 21, 2007

SCOTT N. SCHOOLS  
United States Attorney



MARK L. KROTKOSKI  
Assistant United States Attorney

10      Dated: November 21, 2007



MICHAEL W. ARMSTRONG  
Attorney for Defendant

13       IT IS SO ORDERED.

14       Upon good cause shown, the sentencing hearing is continued from December 17, 2007 at  
15 9:00 a.m. to [XXXXXXXXXX]08 at 9:00 a.m. Government counsel may appear telephonically  
16 during the hearing.

17      Dated: [XXXXXXXXXX], 2007

18           [December 6, ]



RONALD M. WHYTE  
United States District Judge

20           [The sentencing hearing is continued to March 24, 2008 @ 9:00 a.m.]

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